United Nations A/54/207

General Assembly

Distr.: General
6 August 1999

Original: English

Fifty-fourth session
Item 100 (e) of the provisional agenda*
International migration and development, including the question of the convening of a United Nations conference on international migration and development to address migration issues

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Report of the Secretary-General

Summary

The General Assembly, in resolution 52/189 of 18 December 1997, requested the Secretary-General to submit to the Assembly at its fifty-fourth session a report on international migration and development, taking into account: (a) the views of Member States, the International Organization for Migration (IOM), the International Labour Organization (ILO) and other relevant organizations, both within and outside the United Nations system, bearing in mind various regional processes, and recommending ways and means to address the problems related to migration and development, including the possibility of convening an international conference on international migration and development; (b) the report of the technical symposium on international migration and development which was convened in 1998; (c) the report of the Committee for Development Planning (renamed the Committee for Development Policy) on its examination of the issue of migration and development; and (d) the work of the Administrative Committee on Coordination which addressed the issue of international migration and development from cross-sectoral interregional, regional and subregional points of view. The present report also takes into account the outcome of the twenty-first special session of the Assembly.

* A/54/150.

99-23327 (E) 300899

Contents

		Paragraphs	Page
I.	Introduction	1–3	3
II.	Views of Governments regarding a United Nations conference on international migration and development	4–19	4
III.	Mechanisms to address issues of international migration and development within the United Nations system	20–56	7
	A. Commission on Population and Development	20–24	7
	B. Twenty-first special session of the General Assembly	25–26	8
	C. Commission on Human Rights	27–29	8
	D. Administrative Committee on Coordination	30–41	9
	E. Committee for Development Policy	42–44	10
	F. Office of the United Nations High Commissioner for Refugees	45–48	11
	G. United Nations Educational, Scientific and Cultural Organization	49–51	11
	H. International Labour Organization	52–56	12
IV.	Mechanisms to address international migration and development issues outside the United Nations system	57–68	13
	A. International Organization for Migration	57–64	13
	B. Organisation for Economic Cooperation and Development	65–68	14

I. Introduction

1. The General Assembly, in resolution 49/127 of 19 December 1994, requested the Secretary-General to prepare, in consultation with all States and relevant international organizations, a report on international migration and development, including aspects related to objectives and modalities for the convening of a United Nations conference on international migration and development. To obtain the views of Governments regarding the convening of such a conference, a letter was sent to all permanent representatives to the United Nations in February 1995, indicating that responses were expected by 3 March 1995. By 26 April 1995, responses had been received from the following 37 Governments: Algeria, Argentina, Australia, Canada, Colombia, Croatia, Ecuador, Egypt, Ethiopia, France (on behalf of the 15 States members of the European Union (EU)), the Libyan Arab Jamahiriya, Morocco, Norway, Peru, the Philippines, Romania, the Russian Federation, Switzerland, Thailand, Togo, the United States of America, Venezuela and Yugoslavia. The responses of the above-mentioned Governments constituted the basis for the preparation of the report of the Secretary-General on international migration and development (E/1995/69) which was discussed by the Economic and Social Council at its substantive session of 1995, findings of which were considered by the Assembly at its fiftieth session.

2. At that session, the General Assembly adopted resolution 50/123 of 20 December 1995, in which it requested the Secretary-General to prepare a report containing concrete proposals on ways and means to address, from cross-sectoral, interregional, regional and subregional points of view, the issue of international migration and development, including aspects related to objectives and modalities for the convening of a United Nations conference on international migration and development. In order to obtain the additional views of Governments, a second letter was sent in April 1997, to all permanent representatives to the United Nations. By 30 July 1997, the following Governments had provided additional responses regarding the convening of an international conference on international migration and development: Algeria, Armenia, Australia, Belarus, Bolivia, Burkina Faso, Canada, Estonia, Ghana, the Holy See, Jamaica, Jordan, Kenya, Latvia, Malawi, Malaysia, the Netherlands (on behalf of the 15 States members of the EU), Norway, Oman, Panama, Poland, Saudi Arabia, Singapore, South Africa, Switzerland, Tajikistan, Ukraine and the United Arab Emirates. In addition, there were a number of Governments whose response arrived in 1995 but too late to be incorporated in document E/1995/69: Iraq, Lebanon, the Sudan, the Syrian Arab Republic and Tunisia. Based on the views of 65 Governments that had responded either to the 1995 or the 1997 letter, the report of the Secretary-General (A/52/314) was prepared. It was discussed by the Assembly at its fifty-second session.

3. At that session, the General Assembly adopted resolution 52/189 of 18 December 1997, in which it requested the Secretary-General to submit to the Assembly at its fifty-fourth session a report on international migration and development, taking into account, among other things, the views of Member States, the International Organization for Migration (IOM), the International Labour Organization (ILO), other relevant organizations of the United Nations system and other relevant organizations, bearing in mind various regional processes, and recommending ways and means to address the problems related to migration and development, including the possibility of convening an international conference on international migration and development. In order to solicit additional views of Governments, a third letter was sent in March 1999 to all permanent representatives to the United Nations, indicating that responses were expected by 15 April 1999, inviting those Governments that had not responded to the letter sent in 1995 and 1997 to express their views on the issue of convening a conference, and informing those Governments that had responded to the previous letter that, if their views had not changed, a response was not necessary. During the first week of May, all the permanent missions to the United Nations that had not responded as yet were contacted by telephone and informed that responses would still be considered if received before the end of May. By 30 June 1999, responses had been received from the following 34 Governments: Brazil, Brunei Darussalam, Burkina Faso, Costa Rica, Cuba, Germany (on behalf of the 15 States members of the European Union), Jordan, Kiribati, Lebanon, Liechtenstein, Niue, Norway, the Russian Federation, Singapore, Slovakia, Thailand, Turkey, Turkmenistan, the United States and Viet Nam. Another 12 Governments acknowledged the receipt of the 1999 letter. To sum up, since 1995 a total of 76 Governments have expressed their views regarding the convening of an international conference on international migration and development. The following section summarizes the views expressed by these Governments.

II. Views of Governments regarding a United Nations conference on international migration and development

4. Out of the 76 Governments whose responses had been received by 30 June 1999, 45 were generally in favour of convening a conference on international migration and development and 26 expressed reservations about holding such a conference. The remaining five Governments, including one which had withdrawn the reservations it had held in 1995, expressed only partial support for convening a conference. While these Governments were somewhat more open to the possibility of convening a conference, they considered that other options should first be pursued to address the issue of international migration and development.

5. Among the 45 Governments that favoured holding of a conference, the majority proposed that a conference should be of a technical and analytical nature. A number of Governments also noted that a conference should be designed to allow a debate of major issues on international migration and development. One country stated that such a debate would set an agenda for political negotiations with clear goals and accountability and monitoring measures. Two Governments stressed that the conference could aim at political negotiations on major issues.

6. Among the Governments that were generally in favour of holding a conference, there existed a variety of views regarding its possible objectives and the issues to be addressed. Envisaging an international conference of a technical and analytical nature, 16 Governments expressed the view that it should be a forum to explore key aspects of international migration and development, such as the causes and consequences of international migration, the levels and trends of international migration, and the positive and negative aspects of international migration in relation to development for countries of origin, and destination as well as those in transit. It was generally considered that exchanges of information and experiences, presented in an analytical framework, would facilitate the formulation of effective strategies and policies with respect to the countries concerned.

7. Fourteen Governments showed an interest in holding a conference in order to consolidate the rights of migrants, especially of migrant workers and refugees in host countries. It was suggested that a conference could reaffirm or build upon existing international instruments or that it could revise existing international instruments. In addition, five Governments considered that a conference could elicit or promote the ratification of existing international instruments. The key international instruments that were mentioned included the Universal Declaration of Human Rights,[1] the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families,[2] the ILO Convention concerning Migration for Employment (Revised 1949) (No. 97),[3] the ILO Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers, 1975 (No. 143)[4] and the United Nations Convention relating to the Status of Refugees.[5] Furthermore, three Governments suggested that a conference could draft or provide a framework for the drafting of a new international instrument on international migration, in the form of either a convention or a charter.

8. There were a few other conference objectives addressed by a number of Governments. Eight countries suggested that a conference might contribute to improving the management and control of international migration. It was hoped that the conference would assist Governments in developing strategies and policies to regulate migration flows and could suggest ways of reducing involuntary migration. Another eight countries considered that a conference would encourage dialogue between countries of origin and destination and enhance bilateral or multilateral cooperation. In fact, two Governments expected that a conference might promote or yield bilateral agreements. Furthermore, four Governments expressed the view that a conference could be instrumental in finding the solution of the issue regarding the outflow of skilled personnel from developing countries. One Government also suggested that the conference could be a forum to evaluate how the Programme of Action of the International Conference on Population and Development,[6] adopted at the International Conference on Population and Development in 1994, has been implemented with regard to international migration.

9. With regard to the types of migrants with which a proposed conference should deal, there was considerable agreement among the 37 Governments that had commented on the question. Thus, 30 Governments considered that a comprehensive approach was required and that all types of migrants should be taken into account. Only two Governments suggested that issues related to refugees and other types of forced migrants should not be treated at all by a conference, while another one stated that only refugees and illegal migrants should be the focus of a conference. In addition, a few Governments noted that the focus of a conference should be on migrants in a regular situation, and

two Governments stated that the focus should be on some of the categories of migrants covered by the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States of 1996 (also known as the CIS conference).

10. The main outcome of a conference most frequently mentioned by the Governments that had favoured holding a conference was a plan of action that countries could follow. Nineteen Governments suggested adopting a plan of action, with nearly half of them also supporting the adoption of a declaration in conjunction with a plan of action. It was generally considered that these documents would reinforce, and be consistent with, existing international instruments relative to international migration. Several other Governments were of the opinion that the conference should produce recommendations, resolutions or agreed principles. The suggestion of producing more binding agreements, such as a convention, was made by three Governments.

11. Regarding the preparatory process for a proposed conference, virtually all the Governments that had expressed an opinion on the issue (31 Governments) considered that, insofar as regional meetings would forge a first level of consensus over such complex issues as international migration and development, the convening of regional or even subregional meetings prior to a global conference would be necessary. These meetings were also thought to be necessary to facilitate a smooth running of the conference. However, there were a variety of opinions expressed regarding the nature of regional or subregional meetings. Some Governments envisaged the holding of regional or subregional conferences of a political nature, whereas other Governments suggested that regional meetings be technical in nature, attended by experts who would be in charge of preparing documents that reflected the regional approach to international migration issues. While many Governments were in favour of conducting one or two meetings per region, the suggested duration of regional meetings ranged from two to eight working days.

12. Most Governments also supported the idea of holding a meeting of a preparatory committee leading towards a global conference. Among the Governments that had referred to a preparatory committee, the proposed frequency and duration of the meeting varied. While many Governments considered 2 or 3 meetings of preparatory committees to be appropriate, some mentioned that the committee might need to meet up to 10 times or regularly twice a year. The majority of Governments suggested that the preparatory committee should hold a meeting of one week's duration, whereas some preferred a shorter duration (less than three days) or a longer one (no greater than three months). Twelve Governments underscored the importance of the active participation of relevant international organizations, intergovernmental organizations and non-governmental organizations in the preparatory process as well as in the conference itself.

13. Several Governments proposed following a preparatory process similar to that preceding the International Conference on Population and Development, and a few Governments also cited as valuable the activities organized in preparation for the CIS conference. Two Governments indicated that the CIS conference itself might be considered part of the preparatory activities for a possible conference on international migration and development. One Government noted that the Technical Symposium on International Migration and Development, held in the Netherlands in 1998, could be viewed also as a preparatory step towards the proposed conference, having had as its main aim to bring closer and coordinate the views on migration of different countries, particularly donors and recipient States.

14. Regarding the possible composition of the secretariat for the proposed conference, the views varied considerably among the 22 countries that had expressed an idea on the issue. Recognizing that a number of United Nations bodies had mandates related to international migration and that other international organizations also played important roles in this field, a number of Governments suggested that the secretariat be constituted by personnel from different United Nations bodies and relevant organizations. A few Governments also mentioned the possibility of including in the secretariat representatives or experts from States Members of the United Nations. Six Governments mentioned that the secretariat could be constituted by the Population Division or the Department of Economic and Social Affairs (DESA) of the United Nations Secretariat with close collaboration of different bodies of the United Nations system. Other organizations mentioned, although less frequently, were IOM and ILO. A few Governments suggested that the secretariat should have balanced regional representation and allow the participation of international non-governmental organizations in the field of international migration and development.

15. Regarding the duration of the proposed conference, the majority of Governments favoured a period of one week, but responses ranged from a minimum of two days to a maximum of two weeks. Among those countries that had expressed an opinion on the time allotted for the preparatory process, their views also varied from one year to three years.

However, a few countries stated that the preparatory committee should be given sufficient time prior to the conference and that its preparatory process should not be rushed. With regard to the possible date for a conference, five Governments wished that the conference would take place at the beginning of the next millennium, and another two wished to hold it as soon as possible. However, a few stressed that the conference should be convened when the major issue had been defined and the concrete goals of the conference set.

16. With respect to funding for a conference, the majority of Governments suggested that the United Nations finance the conference, although they did not always make clear that funding should come from the regular budget of the organization. Many Governments also mentioned the United Nations agencies, the specialized agencies and intergovernmental organizations as possible sources of funding. Particular reference was made to, among others, the United Nations Development Programme (UNDP), the United Nations Population Fund (UNFPA), the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children's Fund (UNICEF) and IOM. Special contributions from donor countries, at least in part, was also a commonly mentioned source of funding. A few countries specified that such donor Governments included mainly the industrialized developed countries. Three countries suggested that all Governments participating in the conference make contributions to its funding, and some countries included non-governmental organizations or even private enterprises among possible sources of funding. A suggestion was made by two Governments that a conference should be funded following the models of previous conferences such as the International Conference on Population and Development, the Fourth World Conference on Women and the United Nations Conference on Environment and Development. In addition, two Governments recommended that special financial measures be taken to ensure the adequate participation of delegations from developing countries.

17. Among the 26 Governments that did not favour the holding of a conference, a widely shared view was that international migration and development issues had already been the object of discussion in several United Nations conferences and that, especially in the face of United Nations budgetary constraints, scarce resources would be better used in ensuring the implementation of the commitments made at those conferences than in convening another one. A number of Governments further expressed the view that the issue of international migration and development should be addressed through the existing mechanisms, such as the activities of the Commission on Population and Development, the Economic and Social Council, the Second Committee of the General Assembly, ILO and IOM. Several Governments also considered that the complex issues of international migration could be most productively addressed through regional negotiations, so that conditions particular to the region could be factored into concrete policy responses. Particular reference was made to the success of the CIS conference and its follow-up activities, to the Regional Conference on Migration in North and Central America, and to the introduction of migration into the work of the Summit of the Americas.

18. The five Governments that had clearly not expressed support for the convening of a conference felt that more work was necessary to clarify and define its objectives. One country stressed that a necessary condition for the success of a conference was that the interests of sending, receiving and transit countries be served by it and that if it proved difficult to achieve a consensus at the global level, a more realistic approach would be to pursue a process of regional consultations, ensuring that the regional groupings involved reflected migration realities and were not necessarily tied to the configuration of the regional commissions. Thus, the Governments that had expressed partial support for the proposed conference generally considered that regional or bilateral negotiations were more likely to lead to meaningful ways of dealing with the issue of international migration, as did some of the Governments that had not favoured the holding of a conference. Furthermore, one Government mentioned that a conference at a technical level, without any binding legal commitment, might meet the needs of all parties involved.

19. In summary, the solicitation of additional views of the Governments in 1999 on the convening of a United Nations conference on international migration and development increased the number of responses to 76 Member States. However, the increased number remains relatively small and represents 39 per cent of the full membership of the United Nations. Although the majority of the responding Governments appeared to be in favour of holding a conference, there was a lack of consensus on its objectives, its funding and the composition of its secretariat. Furthermore, a number of Governments expressed serious reservation about convening such a conference, given the current financial constraints of the United Nations. Generally, these Governments appeared more in favour of adopting a regional or subregional approach in considering the issues of international migration and development. Thus, taking all these elements into account, the prospects for

holding an international conference on international migration and development remain uncertain.

III. Mechanisms to address issues of international migration and development within the United Nations system

A. Commission on Population and Development

20. In accordance with General Assembly resolution 49/128 of 19 December 1994, the Commission on Population and Development, reporting through the Economic and Social Council to the Assembly, has been responsible for monitoring, reviewing and assessing the implementation of the Programme of Action of the International Conference on Population and Development. Through these functions, the Commission has continuously engaged in the consideration of international migration issues and has provided a useful forum for the intergovernmental discussion on the issues.

21. In 1995, at its twenty-eighth session, the Commission on Population and Development reviewed the activities of the Inter-Agency Task Force for the Implementation of the Programme of Action of the International Conference on Population and Development and recommended that such activities be expanded to include migration issues. It also called upon the Inter-Agency Task Force to present to the Commission, on an annual basis, a report on the activities carried out by the organs and organizations of the United Nations system to implement those parts of the Programme of Action related to the special topic being discussed.

22. In 1997, at its thirtieth session, the Commission on Population and Development reviewed the activities of the United Nations system in relation to international migration on the basis of a report prepared by the Administrative Committee on Coordination (ACC) Task Force on Basic Social Services for All (E/CN.9/1997/4), the body that had, in October 1995, superseded the Inter-Agency Task Force for the Implementation of the Programme of Action. The report noted, *inter alia*, that the Working Group on International Migration of the ACC Task Force on Basic Social Services for All, operating under the Task Force, had agreed to organize a technical symposium on international migration (para. 15). The Commission, in its resolution 1997/1,[7] took note with interest of the holding of a technical symposium of experts on international migration under the auspices of the Working Group on International Migration. The Technical Symposium on International Migration and Development was held in The Hague, the Netherlands, from 29 June to 3 July 1998. Preparation of the symposium involved close collaboration of the international organizations, agencies and United Nations bodies that are members of the Working Group. Upon the request of the Commission, the Chairperson of the Task Force reported at its thirty-second session of March 1999 on the deliberations that had taken place during the Symposium (E/CN.9/1999/3).

23. Under the guidance of the Commission on Population and Development, the Population Division of the Department of Economic and Social Affairs (DESA) of the United Nations Secretariat carries out studies on levels and trends of international migration; on international migration policies; and on the interrelations of international migration and development. For its thirtieth session, in 1997, the Commission had chosen international migration as its focal subject, with special emphasis on the interrelationship between migration and development, including gender issues and the family. At that session, the Commission considered, *inter alia*, the findings of an in-depth report (E/CN.9/1997/2) prepared by the Population Division on international migration and development, which provided recent information on selected aspects of international migration and covered such topics as migration dynamics; international migration policies; documented and undocumented migrants, refugees and asylum-seekers; labour migration; gender issues; and interlinkages between migration and development. An expanded version of the report[8] was published as part of the Population Division's World Population Monitoring series.

24. Another important development in the area of international migration was the publication of *Recommendations on Statistics of International Migration, Revision 1*,[9] in 1998. The Population Division had collaborated with the United Nations Statistics Division, in the Department of Economic and Social Affairs, and the Statistical Office of the European Communities (Eurostat) in the preparation of those recommendations. Furthermore, the Population Division has produced and updated several databases on international migration, including those entitled *Trends in Total Migrant Stock* and *South-to-North Migration*. Lastly, the Population Division played an active role in the organization of the Technical Symposium on International Migration and Development, held in The Hague, the Netherlands, in 1998.

B. Twenty-first special session of the General Assembly

25. In its resolution 52/188 of 18 December 1997, the General Assembly decided to convene a special session for a duration of three days, from 30 June to 2 July 1999, to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development. The Commission on Population and Development, acting as the preparatory body for the special session, negotiated a report containing key actions for the further implementation of the Programme of Action of the International Conference on Population and Development which were adopted by the Assembly at its twenty-first special session.[10] The possibility of convening an international conference on international migration and development was not addressed at the special session.

26. The special session of the General Assembly provided a forum for Governments to affirm their renewed and sustained commitment to the principles, goals and objectives of the Programme of Action of the International Conference on Population and Development and to focus on several key actions to be taken in the area of international migration for the accomplishment of its objectives. The adopted key actions, in particular, urge Governments in both countries of origin and countries of destination to intensify efforts to protect the human rights and dignity of migrants; provide basic health and social services for migrants; facilitate family reunification of documented migrants; and ensure the social and economic integration of documented migrants. Governments are also urged to prevent trafficking in migrants; support and ensure effective follow-up of bilateral and multilateral initiatives to develop national policies and cooperative strategies; conduct public information campaigns on migration; consider ratifying/acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families; and intensify their efforts to improve data collection and analysis. They are also encouraged to become parties to the 1951 Convention[11] and the 1967[12] Protocol relating to the Status of Refugees and to put in place effective asylum procedures. The key actions also call for the international community to extend assistance and support to programmes in developing countries that host the majority of refugees and displaced persons and to channel adequate support to effective programmes to address the causes of movement of refugees and displaced persons.

C. Commission on Human Rights

27. The Commission on Human Rights is responsible for reviewing the follow-up and implementation of the Vienna Declaration and Programme of Action of the World Conference on Human Rights[13] and for addressing all issues related to the realization of the rights recognized in international human rights instruments or to the violation of such rights. The Commission also carries out studies, makes recommendations and drafts new international instruments. Thus, given its mandate and its expertise, the Commission is the body best suited to deal with human rights issues in relation to international migration.

28. In December 1990, the General Assembly adopted the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. The Commission on Human Rights has urged Member States to consider the possibility of signing and ratifying or acceding to ratify the Convention as a matter of priority. In the resolution 1999/45, adopted during its fifty-fourth session, the Commission requested the Secretary-General to provide all facilities and assistance necessary for the active promotion of the Convention, through the World Public Information Campaign for Human Rights and the programme of advisory services in the field of human rights. The Commission also requested the Secretary-General to submit to the Commission at its fifty-sixth session in 2000 a report on the status of the Convention and on the efforts made by the Secretariat to promote the Convention and the protection of the rights of migrant workers. It also decided to include in the agenda of its fifty-sixth session the item entitled "Specific groups and individuals: migrant workers".

29. In accordance with resolution 1997/15 of 3 April 1997,[14] the Commission on Human Rights established a working group consisting of five intergovernmental experts, with a mandate to gather all relevant information from Governments, non-governmental organizations and any other relevant sources on the existing obstacles to the effective and full protection of the human rights of migrants; and to elaborate recommendations to strengthen the promotion, protection and implementation of the human rights of migrants. In its resolution 1998/16 of 9 April 1998,[15] the Commission decided to reconvene the working group of intergovernmental experts, on the same basis. In 1999, at its fifty-fifth session, the Commission examined the report of the Working Group of intergovernmental experts on the human rights of migrants (E/CN.4/1999/80). At the same session, in its resolution 1999/44 of 27 April 1999, the Commission decided to appoint, for a three-year period, a Special Rapporteur on the human rights of migrants to

examine ways and means to overcome the obstacles existing to the full and effective protection of the human rights of this vulnerable group, including obstacles and difficulties for the return of migrants who are non-documented or in an irregular situation. The Commission will have before it the report on his/her activities at its fifty-sixth session.

D. Administrative Committee on Coordination

30. In October 1995, ACC established three task forces to galvanize the United Nations system around priority goals emerging from recent global conferences and to strengthen the system's follow-up mechanisms for delivering coordinated assistance at country and regional levels. In establishing these task forces, ACC expanded the mandate of the previous Inter-Agency Task Force for the Implementation of the Programme of Action of the International Conference on Population and Development, reconstituting it as the Task Force on Basic Social Services for All chaired by UNFPA. While the Task Force set up two new working groups, it retained three working groups established by the Inter-Agency Task Force, including the Working Group on International Migration. The Working Group on International Migration, with ILO acting as a lead agency, proposed in 1996 the holding of a technical symposium on international migration.

31. The Technical Symposium on International Migration and Development took place at The Hague, the Netherlands, from 29 June to 3 July 1998. It was organized by the Working Group on International Migration of the ACC Task Force on Basic Social Services for All, as part of the follow-up activities for the implementation of the migration-related recommendations adopted at the International Conference on Population and Development (Cairo, 1994), the World Summit for Social Development (Copenhagen, 1995) and the Fourth World Conference on Women (Beijing, 1995). The Government of the Netherlands hosted the Symposium. The Governments of Austria, Norway and the Netherlands provided financial support.

32. The Symposium was a meeting of technical experts. Forty-nine invited experts from 33 countries participated, along with representatives of the organizations and agencies organizing the Symposium, namely, the United Nations (the Population Division of the Department of Economic and Social Affairs, the Economic Commission for Europe (ECE) and the Economic Commission for Latin America and the Caribbean (ECLAC)), the United Nations Educational, Scientific and Cultural Organization (UNESCO), UNHCR, UNFPA, ILO and IOM; representatives of other intergovernmental organizations; representatives of the host country; representatives of non-governmental organizations; and scholars from universities and research institutes in the Netherlands and other countries. Experts were selected so that all major regions of the world would be represented.

33. The Symposium provided a forum for a substantive exploration of key aspects of international migration. By examining issues from a scientific and technical perspective, the Symposium contributed to a better understanding of the economic, social, cultural, gender and human rights dimensions of migration. Also, the Symposium contributed to the knowledge required for the better management of orderly migration, in ways beneficial to both sending and receiving countries, through international cooperation.

34. Participants of the Symposium considered a variety of substantive papers, including country case studies, prepared expressly for the Symposium. The topics covered, *inter alia*, international migration and development; migration for employment, including the irregular employment of migrants; the effectiveness of measures that countries have taken to protect their migrant workers abroad; the social and cultural integration of migrants; and measures to prevent the marginalization of migrants. Recognizing the importance of return migration, the Symposium examined its implications for the development of countries of origin and the problems posed by large or unexpected return flows. It also devoted special attention to forced migration and the changing responses to it in various regions. By covering such a wide range of issues, with an emphasis on the assessment of migration policy, the Symposium made an important contribution to the process of reviewing and appraising the implementation of the Programme of Action of the International Conference on Population and Development, a process culminating in the twenty-first special session of the United Nations General Assembly, from 30 June to 2 July 1999.

35. The deliberations at the Symposium yielded many important lessons for policy actions for both sending and receiving countries of migrants.[16] The interrelationship between international migration and development was examined from various aspects. Factors such as poverty and environmental degradation have important links with population movements, although they are complex and difficult to quantify. Furthermore, globalization of capital movements and trade, as well as the emergence of regional economic cooperation mechanisms, are already having impacts on migration. The Symposium underscored that migration should not, in itself, be seen as a problem. Rather the issue is how to maximize the benefits of migration for

all concerned. It is important to address international migration and development in an integrated manner and to relate migration to developmental issues, including those related to the structure of the labour and capital markets.

36. The Symposium demonstrated that international migration had become a major concern in both domestic and foreign policy. However, many countries, both developed and developing, lack adequate data to allow understanding of the forces driving migration. Thus, the need for better collection and analysis of data on various aspects of international migration was stressed. Lack of reliable information often led to the perpetuation of myths about migration that were a weak basis for policy formulation. Varying definitions and the scarcity of reliable data have further contributed to common misconceptions about international migration.

37. It was argued that many international migration issues could be dealt with successfully through a constructive collaboration between sending and receiving countries. The importance of international cooperation based on an appropriate balance of the concerns of the various parties was also stressed. With regard to forced migration, the international harmonization of migration and asylum policies was seen as appropriate long-term goal. However, it was thought that this goal would be reached most likely in stages, starting at the subregional and regional levels.

38. The Symposium also drew attention to the gap between the formal rights and the actual treatment of international migrants. Notwithstanding globalization, the Governments still have considerable power to control international migration. However, ill-conceived control mechanisms or a disproportionate focus on control might be contributing to the rise in irregular migration. The Symposium also addressed the theme of protection of the human rights of migrants. It is clear that there is an urgent need to create conditions favouring the full participation of migrants in society. The value of multilateralism in addressing the issue of protecting the human rights of migrants was underscored.

39. While the Symposium recognized the difficulties faced by both sending and receiving countries in establishing orderly migration which balanced fairness with efficiency, the need for the establishment and consolidation of legal migration regimes was asserted. These regimes would define sets of principles based on the rule of law, as illegal migration undermined the principle of national sovereignty. International harmonization of migration and refugee policies was an important goal, although difficult to achieve. It might be more realistic to reinforce the harmonization efforts already taking place at the regional level.

40. The deliberations at the Symposium had shown the need for global cooperation with an appropriate balance between the concerns of the various regions. However, there was insufficient evidence that the interests of the countries of origin and those of the countries of destination of migrants had converged to such an extent that a large-scale international conference dealing with all such problems could be fruitful. The way forward lay in being bold in those cases where international consensus could be within reach and in taking small steps elsewhere. Regional and bilateral consultations could have an important function in this context. Despite globalization, nation States would continue to play a significant role in defending what they saw as their basic interests and sovereign rights. They would enter into new covenants only when they considered that their migrating citizens would be well protected or, alternatively, that such agreements would contribute to orderly and manageable migration flows.

41. Lastly, the preparation of the Technical Symposium on International Migration and Development had involved close collaboration with the international organizations, the agencies and the United Nations bodies that are members of the Working Group on International Migration of the ACC Task Force on Basic Social Services for All. The success of the Symposium manifests that ACC, through its relevant subsidiary bodies, can play a key role in addressing international migration and development issues, particularly by bringing together the expertise that exists both within the United Nations system and in relevant intergovernmental organizations.

E. Committee for Development Policy

42. The Economic and Social Council decided, in section B of annex I to resolution 1998/46 of 31 July 1998, that the Committee for Development Planning should be renamed the Committee for Development Policy, with a new work programme. In this resolution, the Council specified that the Committee should comprise 24 independent experts, drawn from the fields of economic development, social development and environmental protection, and able to contribute to emerging issues and to the multilateral process. In the same resolution, the Council also set out new arrangements for the determination of the work programme of the Committee, which remains an independent expert subsidiary body of the Council.

43. At its thirty-first session in May 1997, the Committee for Development Planning decided to examine in 1998 the issue of migration and employment and, in this connection,

it established the Working Group on Migration and Employment, which consisted of seven individual experts, along with representatives of relevant specialized agencies and the United Nations offices. The Working Group met in New York from 29 to 31 October 1997; it reviewed the issues relevant to migration and employment, especially focusing on trends and causal factors in international migration, its relation to globalization, the implications of labour migration for sending and receiving countries, and policy options for those countries.

44. The Working Group prepared its draft report (CDP98/PLEN/9) which summarized the major findings and conclusions of the meeting in October 1997 and submitted it to the Committee for Development Planning at its thirty-second session held in May 1998. At that session, continuation of work on the issue of migration and employment was suggested for future work. The question of international migration and development has not yet been addressed by the reconstituted Committee for Development Policy.

F. Office of the United Nations High Commissioner for Refugees

45. UNHCR is mandated by the United Nations to lead and coordinate international action for the worldwide protection of refugees and to seek solutions for refugee problems. UNHCR strives to ensure that everyone can exercise the right to seek asylum and find safe refuge in another State, and to return home voluntarily. Its responsibility includes monitoring the well-being of returnees, that is to say, former refugees who have been voluntarily repatriated, especially in regard to the guarantees obtained on their behalf prior to their repatriation. Thus, UNHCR, although it is not a development agency, cooperates with other agencies in the promotion and implementation of rehabilitation programmes for returnee communities. In specific cases, UNHCR has also been requested by the Secretary-General or a principal organ of the United Nations to assist internally displaced persons who find themselves in refugee-like situations.

46. Increasingly, UNHCR has been developing ways in which to coordinate relief or repatriation efforts with reintegration, rehabilitation and development activities. The involvement of UNHCR in post-conflict situations ranges from initial reintegration and rehabilitation activities for returnees and their communities to limited legal, judicial and administrative capacity-building activities. UNHCR undertakes many protection and assistance activities jointly with other international organizations such as the World Food Programme (WFP) and IOM, and also with non-governmental organizations.

47. The Executive Committee of the Programme of the United Nations High Commissioner for Refugees, the Economic and Social Council and the General Assembly are the main intergovernmental bodies to which UNHCR reports and where issues related to refugees and other types of involuntary migration are discussed on a regular basis. Because the plight of refugees varies considerably from one region to another, UNHCR has generally adopted a regional approach in the search for solutions. Thus, UNHCR organizes, as necessary, special intergovernmental conferences to discuss issues at the regional or subregional levels, involving all the affected countries of the region, non-governmental organizations, United Nations bodies, donors and others. The most recent initiative in that regard was the convening of the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States (the CIS conference) of 1996, jointly organized with IOM and the Organization for Security and Cooperation in Europe (OSCE).

48. UNHCR holds the view that there already exist a number of forums that allow for strategic debate among States on their particular concerns and that inform and guide the work of UNHCR. Therefore, the organization considers that it would not be necessary to discuss refugee movements and other forms of forced migration as an explicit category of migration at the proposed conference on international migration and development. Although UNHCR recognizes that refugee issues are not always entirely independent from those relative to migration, it stresses the importance of distinguishing between refugees and migrants.

G. United Nations Educational, Scientific and Cultural Organization

49. UNESCO, under the population component of the "Educating for a sustainable future" project, provides education and information that help people understand the causes and impacts of international migration, and thus promotes the development of constructive approaches to the subject. Through its UNITWIN/UNESCO Chairs Programme, UNESCO promotes the twinning of universities from developed and developing countries, South-South inter-university cooperation and the creation of university Chairs in developing countries that enhance working opportunities, favour local training and research and thus prevent the brain

drain. Under its programme of Humanistic, Cultural and International Education, UNESCO also undertakes the promotion of intercultural dialogue and respect for minorities. Within the framework of its Scheme of Emergency Educational Assistance, it provides assistance to refugees, displaced persons and children victims of war, with a view to stabilizing uprooted populations, reducing hostility and accelerating the peace process.

50. Since the early 1990s, UNESCO has focused on the social, cultural and economic ramifications of global and regional migration. Through its Management of Social Transformations (MOST) programme, the organization is undertaking regional migration networking activities. These networks will constitute centres of expertise to provide information research and advisory services for policy makers and other users at the national and international levels on the role of migration and ethnocultural diversity. The Asia Pacific Research Network (APMRN) was formed in 1995 to produce social research relevant to public policy and to advance education in migration and ethnicity issues. The Network on Migration Research in Africa (NOMRA) launched in June 1998 is focusing on the root causes, especially those related to poverty, and consequences of diverse forms of migration, refugee flows and related displacement of persons in sub-Saharan Africa. In view of the importance of new and diverse forms of migration during the period of post-socialist transformation in Central and Eastern Europe and the need to provide urgent policy response, the Central and Eastern European Network on Migration Research (CEENOM) was launched in a subregional meeting of experts in Moscow in September 1998. The impact of globalization on migration trends and prospects for the twenty-first century and the links among the globalization process, regional integration and migration were analysed in a regional meeting in October 1998, which set the foundation for a regional Network on Migration Studies in Latin America and the Caribbean (REMIALC).

51. Regarding a convening of the international conference on international migration and development, UNESCO noted that international migration was an area of concern at the International Conference on Population and Development and at other United Nations conferences. Therefore, it would be more useful for the time being to work towards the implementation of the Programme of Action and of other recommendations in this area. However, if the conference were to be held, it should be preceded by a debate of major issues, taking into account the recommendations already adopted in this area. The conference should be of a political nature, paving the way for negotiations among decision makers. The document produced by the conference should be substantive and clearly action-oriented. It should address policy issues and outline channels for follow-up as well as mobilize efforts among United Nations agencies to orient activities towards the issues of international migration and development.

H. International Labour Organization

52. ILO, founded in 1919, is the specialized agency that seeks the promotion of social justice and of internationally recognized human and labour rights. The protection of workers employed in a country other than their own, through formulation of international standards for the treatment of migrant workers, has always been an important activity of ILO. It has adopted a number of labour standards that apply equally to foreign workers and to nationals. In addition, it has adopted two international conventions on the rights of migrant workers, namely, the Convention concerning Migration for Employment (Revised 1949) (No. 97), and the Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers, 1975 (No. 143), both of which are in force.

53. ILO has contributed towards adherence to these standards by monitoring laws and practice in the treatment of migrant workers, providing advisory services to its tripartite constituents on many aspects of migration policy and administration, and organizing training seminars, conferences and meetings on the many problems of protection and development issues raised by labour migration for both labour-sending and -receiving States. It also undertakes research on a wide range of topics related to international labour migration, many of which — such as, for instance, the impact of remittances — are relevant for the understanding of migration's relationships with development.

54. The technical assistance provided by ILO is designed to meet a variety of needs of member States, from strengthening the national administration to helping countries of origin cope with the repatriation and absorption of return migrants, especially under crisis conditions. ILO also assists Governments in evaluating their policies, focusing especially on the effectiveness of measures to prevent abuses in recruitment and to combat discrimination against foreign workers. Technical assistance is also provided to Governments negotiating bilateral or multilateral agreements on labour migration.

55. Under the current work programme, ILO is engaged in a wide range of activities on international migration for

employment, including research on the impact of State policies on migration and the integration of migrants in the labour market, establishment of a database on international migration, country studies regarding specific policies and measures to combat discrimination against migrant workers, promotion of information networking among States in transition, and assistance for some member States in reform of labour migration policies. The International Labour Conference at its eighty-seventh session in 1999 considered the report of the Committee of Experts on the Application of Conventions and Recommendations, notably, the Migration for Employment Convention (Revised), 1949 (No. 97), and its accompanying Recommendation (Revised) (No. 86), as well as the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), and the Migrant Workers Recommendation, 1975 (No. 151). It is foreseen that, in the next biennium, ILO will be more closely involved with helping countries align their migration policies with their long-term development goals, including the reintegration of returning migrants. The ILO has also been a leading agency of the Working Group on International Migration of the ACC Task Force on Basic Social Services for All.

56. With regard to a possible United Nations conference on international migration and development, ILO considers that, if it would take place, it should aim to obtain broad consensus on the employment and protection of migrant workers. The major issues to be debated at the conference include the principles to be contained in an international regime for migration of workers, the management of migration regimes in a way that reconciles the interests of both countries of origin and countries of destination, and the standards to be observed to avoid or minimize any negative impact that an increasing feminization of migration may have on family and social structures. The conference should build upon the principles embodied in existing international instruments regarding migration and foster a better understanding of these instruments so that they may inspire national legislation and standards, and be more extensively ratified. ILO sees little advantage in including refugees and other types of forced migrants as issues to be dealt with at the conference, because most States draw a distinction between economic migrants and those fleeing from persecution and violence, and many are already signatories to the Geneva convention on asylum-seekers and refugees.

IV. Mechanisms to address international migration and development issues outside the United Nations system

A. International Organization for Migration

57. IOM is an intergovernmental organization established in 1951 to assist in the resettlement of displaced persons and refugees in Europe. As of June 1999, it was composed of 69 member and 49 observer States. Its Constitution, updated in 1989, is based on a number of fundamental principles, among which is the explicit recognition of the link between international migration and economic, social and cultural development. The mandate of IOM is to help ensure the orderly flow of international migrants; to promote international cooperation on migration issues; to aid in the search for practical solutions to migration problems by, among other things, providing a forum for discussion; and to contribute to international solidarity by providing humanitarian assistance to migrants in need, be they refugees, externally or internally displaced persons, or other uprooted people.

58. In carrying out its activities, IOM works closely with a variety of governmental, intergovernmental and non-governmental organizations. Although IOM does not belong to the United Nations system, it has held observer status in the General Assembly since 1992 and participates actively in coordination mechanisms established within the United Nations, notably as an active member of the Inter-Agency Standing Committee (IASC). In addition, on 25 June 1996, a Cooperation Agreement between the United Nations and IOM was signed and since then IOM has concluded other formal agreements with different bodies of the United Nations system. A Cooperation Agreement with UNFPA was signed on 11 December 1996, an Executive Agency Agreement with UNDP on 13 December 1996, a Memorandum of Understanding with UNHCR on 15 May 1997, and a Framework for Operation Cooperation with UNDP on 17 June 1998.

59. The activities of IOM can be grouped in six main migration-related fields ranging from movements to medical services, technical cooperation, public information campaigns, assisted returns and migrant trafficking. IOM provides humanitarian assistance to persons fleeing conflict situations, to refugees being resettled in third countries or repatriated, to stranded individuals and unsuccessful asylum-seekers returning home, to internally and externally displaced persons, to other persons compelled to leave their

homelands, to individuals seeking to be reunited with other members of their families and to migrants involved in regular migration. The services that IOM offers include individual counselling, document processing, medical examination, transportation, language training and cultural orientation and integration assistance. As manifested during the recent Kosovo crisis in 1999, IOM has played an increasingly important role in providing migration assistance in emergency situations where evacuation is required, as well as return when circumstances permit.

60. IOM also provides skilled manpower to developing countries, taking into account national development priorities as well as the needs and concerns of receiving communities. In particular, IOM helps qualified professionals residing abroad to return to their countries of origin in Africa, Latin America and Asia through programmes that screen candidates, identify employment opportunities and provide reintegration assistance.

61. Through its technical cooperation programmes, IOM offers advisory services on migration to requesting Governments. Their aim is to assist Governments in developing and implementing migration policy, migration legislation and migration administration. IOM's technical cooperation also focuses on capacity-building projects such as training courses for government officials, and analysis of and suggestions for solving emerging migration problems. In 1998, IOM, jointly with the United Nations Institute for Training and Research (UNITAR) and UNFPA, launched the International Migration Policy and Law Courses. Designed primarily as practice-oriented training for middle- and senior-level government officials, the first two courses have been held in Hungary and South Africa. Current plans foresee the holding of the next courses in South-East Asia, Central Asia, Eastern Africa and the Mediterranean region.

62. To advance the understanding of migration mechanisms and seek practical solutions of migration issues, IOM organizes regional and international seminars and facilitates intergovernmental dialogue. In this connection, regional consultations among Governments that face similar migration situations and enjoy close economic links have been considered particularly important. With substantive and logistic support from IOM, such regional consultation processes on migration have already taken place in Central and Northern America, the CIS region, Central and Eastern Europe, the Asia-Pacific region and South America. Most recently, IOM acted as joint secretariat — together with the Thai Government — for the International Symposium: Towards Regional Cooperation on Irregular/Undocumented Migration which took place in Bangkok in April 1999; as an outcome, the Bangkok Declaration on Irregular Migration was adopted. Similarly, in July 1999, IOM provided the technical secretariat for a meeting hosted by the Government of Peru where representatives of 10 South American countries adopted the Lima Declaration focused on pursuing consultations on regional migration issues.

63. The organization has also conducted research on a wide range of migration issues, including migrant women, migrant trafficking, migration and development, regional migration trends, migration dynamics and migration and health. Research on migration relates not only to the migration process but also to the specific situation, motivation and needs of the migrant as an individual human being. In this regard, IOM is increasingly mounting information campaigns in areas of origin designed to provide potential migrants with a credible and reliable factual basis for informed decisions about whether or not to migrate.

64. With regard to the proposed United Nations conference on international migration and development, IOM considers that if States should decide to convene one, its aims should include reaching a consensus among participating States on practical measures to foster cooperation between origin, transit and receiving countries and international organizations. Such measures should facilitate the effective integration of legal migrants, reduce irregular migration, and protect the human rights of the migrants. Given the multiple, interrelated and sometimes overlapping causes of the movements, any such conference should deal with all categories of persons involved in international migration.

B. Organisation for Economic Cooperation and Development

65. International migration has long been a concern of the member States of the Organisation for Economic Cooperation and Development (OECD) and such concern has been reflected in the activities of the organization. Under the direction of the Working Party on Migration, the Directorate for Education, Employment, Labour and Social Affairs has conducted a series of research projects dealing with the various economic aspects of international migration. It has facilitated intergovernmental dialogue through meetings and conferences and has instituted the Continuous Reporting System on Migration (SOPEMI) which allows the exchange and dissemination of timely statistical information on international migration to OECD countries.

66. In November 1998, OECD with the collaboration of the Portuguese authorities organized the International Conference on Globalization, Migration and Development

in Lisbon. The conference brought to a close the series of regional seminars on the theme of migration, free trade and regional integration: the first seminar, focusing on Central and Eastern Europe, had taken place at Vienna in 1996; the second, focusing on countries in the Mediterranean basin, at Athens in 1996; and the third, focusing on Northern America, in Mexico in 1998. The conference also integrated the results of work undertaken since 1996 by OECD and the Japanese authorities, with the collaboration of ILO, on migration and the labour market in Asia. These regional seminars and the conference brought to light factors that could play a fundamental role in managing migration flows, especially in situations of regional economic integration.

67. In addition, the Development Assistance Committee (DAC) of OECD has also requested studies, as seen from the perspective of donor Governments, on several issues of concern related to international migration from both a cross-sectoral and a regional perspective. These include the linkages among aid, trade, employment and commercial policy, investment and other capital flows, environment and migration.

68. With regard to the international conference on international migration and development, OECD pointed out that migration, demographic and economic situations vary greatly among countries, and therefore suggested that the conference not aim at identifying precise technical measures or drawing conclusions that could be applicable to all countries concerned. The conference should set limited objectives, because of the political sensitivity of migration issues. OECD expected that the conference could provide an opportunity to facilitate a dialogue between sending and receiving countries and focus on regional approaches.

Notes

[1] General Assembly resolution 217 A (III).

[2] General Assembly resolution 45/158 of 18 December 1990, annex.

[3] See ILO, *International Labour Conventions and Recommendations, 1919–1951* (Geneva, International Labour Office, 1996), sect. I.

[4] See ILO, *International Labour Conventions and Recommendations, 1952–1976* (Geneva, International Labour Office, 1996), sect. I.

[5] United Nations, *Treaty Series*, vol. 189, No. 2545.

[6] *Report of the International Conference on Population and Development, Cairo, 5–13 September 1994* (United Nations publication, Sales No. E.95.XIII.18), chap. I, resolution 1, annex.

[7] *Official Records of the Economic and Social Council, 1997, Supplement No. 5* (E/1997/25), chap. I, sect. C, resolution 1997/1.

[8] *World Population Monitoring, 1997: International Migration and Development* (United Nations publication, Sales No. E.98.XIII.4).

[9] Statistical Papers, No. 58, Rev.1 (United Nations publication, Sales No. E.98.XVII.14).

[10] See A/S–21/5 and Add.1.

[11] United Nations, *Treaty Series*, vol. 189, No. 2545.

[12] Ibid., vol. 606, No. 8791.

[13] A/CONF.157/24 (Part I), chap. III.

[14] *Official Records of the Economic and Social Council, 1997, Supplement No. 3* (E/1997/23), chap. II, sect. A, resolution 1997/15.

[15] Ibid., *1998, Supplement No. 3* (E/1998/23), chap. II, sect. A, resolution 1998/16.

[16] See report of the Technical Symposium on International Migration and Development of the Administrative Committee on Coordination (ACC) Task Force on Basic Social Services for All: report of the Secretary-General (E/CN.9/1999/3); and *Technical Symposium on International Migration and Development, The Hague, Netherlands, 29 June –3 July 1998* (New York, UNFPA, 1998).